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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/876,376	06/06/2001	John R. Douceur	MS1-769US	8992
22801	7590	03/24/2005	EXAMINER	
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			HU, JINSONG	
			ART UNIT	PAPER NUMBER
			2154	

DATE MAILED: 03/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/876,376

Applicant(s)

DOUCEUR ET AL.

Examiner

Jinsong Hu

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-97 is/are pending in the application.
- 4a) Of the above claim(s) 1-5, 23-32 and 37-97 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6-22 and 33-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 10/20/04; 2/10/05
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

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### DETAILED ACTION

1. Applicant's election without traverse of 6-22 and 33-36 in the reply filed on 10/20/04 is acknowledged.

2. Claims 6-22 and 33-36 are presented for examination.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6-22 and 33-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenzweig et al. (US 5,915,096) in view of Moulton et al. (US 6,704,730).

5. Moulton is a prior art reference cited by applicant on 1449, dated to 10/20/04.

6. As per claim 6-10, 16 and 21-22, Rosenzweig teaches the invention substantially as claimed including one or more computer-readable media having stored thereon a plurality of instructions that, when executed by one or more processors of a computer

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that is part of a plurality of computers in a network, causes the one or more processors to perform the steps of comparing, for each of the plurality of computers, a selected list [i.e., browsing control list] to a portion of a computer identifier associated with the computer, identifying which of the computer identifiers have portions matching the selected portion of the file information; and communicating, for identification of potentially identical files stored on the plurality of computers, the file information to each of the computers associated with a computer identifier having a portion matching the selected portion of the file information [col. 3, lines 30- 52; col. 8, lines 29-44; col. 9, lines 21-40].

7.       Rosenzweig does not specifically disclose that the selected list is a portion of file information. However, Moulton on the other hand teaches the selected list is a portion of file information [col. 9, line 66 – col. 10, line 2]. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Rosenzweig and Moulton because utilizing Moulton's portion of file information in Rosenzweig's system would increase the dynamic ability of the system by enabling user entering the requested information in either list or a portion of file. One of ordinary skill in the art would have been motivated to modify Rosenzweig's system with Moulton's portion of file information to improve the performance of the system.

8.       As per claim 11, Moulton teaches the steps of receiving other file information from one of the plurality of computers; comparing the received file information to a file

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information database stored at the computer; and determining that a file corresponding to the received file information is potentially identical to another file on another of the plurality of computers if the received file information matches file information in the database [col. 10, line 66 – col. 11, line 11].

9. As per claims 12 and 13, Moulton teaches the file information is a semi-unique value based at least in part on the data in the file [col. 10, lines 19-35].

10. As per claims 14 and 15, Moulton teaches the file information is based at least in part on one or more characteristics of the file [col. 10, lines 49-65].

11. As per claim 17-19, Moulton teaches that the size of the portion of the file information is based at least in part on a count of computers that the one computer is aware of in the network and determining a size of the portion of the file information [col. 10, lines 49-65].

12. As per claims 33-36, since they are system claims of claims 1-19, they are rejected under the same basis as claims 1-19 above.

***Allowable Subject Matter***

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13. Claim 20 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Arnold et al. (US 6,167,449) discloses a service locating system;

Tran (US 2002/0099784) discloses a file retrieving system;

Kathrow et al. (US 6,263,348) discloses a file comparing system; and

Eftink (US 6,370,547) discloses a database correlation system.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jinsong Hu whose telephone number is (571) 272-3965. The examiner can normally be reached on 8:00 AM - 5:30 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jinsong Hu

March 18, 2005

  
JOHN FOLLANSBEE  
FEDERAL PATENT EXAMINER  
TECHNOLOGY CENTER 2100